

APPENDIX E

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

THE STATE OF TEXAS, et al.,	§	
	§	
Plaintiffs,	§	
v.	§	Civil Action No. 4:20-cv-00957-SDJ
	§	
GOOGLE LLC,	§	
	§	
Defendant.	§	
	§	

**DECLARATION OF H. TOLGA BILGICER, PHD
IN SUPPORT OF GOOGLE LLC'S
OPPOSITION TO PLAINTIFFS' MOTION FOR SANCTIONS**

I, Dr. H. Tolga Bilgicer, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am employed by Charles River Associates (“CRA”) as a Principal in the Competition Practice. As an external consultant to Google, I have analyzed data from Google Chat messages. If called as a witness, I am prepared to testify competently to the facts presented herein.

2. I respectfully submit this declaration in support of Google’s Opposition to Plaintiffs’ Motion for Sanctions. I understand that the Opposition Brief relates to Plaintiffs’ request for sanctions concerning Google’s retention of Chat messages.

3. The contents of this declaration are true and correct to the best of my knowledge, information, and belief, and are based on my personal knowledge and a reasonable inquiry into the issues arising in this matter. I am competent to testify to the matters set forth herein.

4. To calculate the number of individual messages in a Chat conversation, I deployed an automated script that identifies individual messages within a conversation. The script can be run over populations of Chat conversations to calculate the number of individual messages in the population of Chat conversations.

5. Across the 202 custodians agreed across this and other ad tech litigations, I counted Chat conversations and messages produced by Google in this matter.¹ Google produced a total of 12,073 Chat conversations. I determined that there are approximately 654,335 individual messages in the populations of Chat conversations produced by Google.

6. Similarly, I counted messages and conversations collected by Google for the same group of custodians. Google collected 928,026 Chat conversations. I determined that there are

¹ I understand that Plaintiffs have received the benefit of 202 custodians agreed across this case, as part of the multi-district litigation with which this litigation was consolidated before being remanded back to Texas, and as part of a separate litigation brought by the Department of Justice in the Eastern District of Virginia.

approximately 10,336,734 individual messages in the population of Chat conversations collected by Google.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on the 6th of January, 2025, in Chicago, Illinois.



DR. H. TOLGA BILGICER